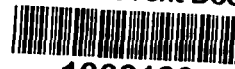


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January 31, 2001

MARTIN K. BANKS

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## VIA FIRST CLASS MAIL

Ms. Suzanne Buntrock  
Region 4 CERCLA Coordinator  
USDA Forest Service  
324 25th Street  
Ogden, Utah 84401

**Re: Request for Information Pursuant to Section 104(e) of CERCLA, 42 U.S.C.  
§9604(e), Regarding Mines in American Fork Canyon, Utah**

Dear Ms. Buntrock:

This letter is in response to a letter of November 30, 2000 from Jack A. Blackwell, Regional Forester, requesting information pursuant to Section 104(e) of CERCLA. If you have any questions relating to this response, please feel free to contact me.

Best regards,

Martin K. Banks

MKB/js

Encl.

cc Gary Fremerman (w/out encl.)  
Ted Fitzgerald (w/out encl.)  
Jack A. Blackwell (w/out encl.)

## RESPONSES TO CERCLA 104(e) INFORMATION REQUEST

Mines and properties with waste piles, tailings, or mine drainage associated with mining claims: Dutchman Flat-MS 5890, Wild Dutchman-Lot 68, First Northerly Extension of Wild Dutchman-MS 5866, New Idea-MS 5866, and Security-MS 5866.

### **Questions**

1. *Identify the person(s) answering these questions on behalf of the Respondent.*

✓ Martin K. Banks  
Karen P. Whitt

2. *Indicate the name, title, address, and telephone number of the individual to whom any future correspondence regarding this matter should be directed.*

Martin K. Banks  
Stoel Rives LLP  
201 S. Main Street, Suite 1100  
Salt Lake City, Utah 84111-4904

### Historical Information and Relationship to Other Entities

3. *Identify and describe all property interests that the Respondent has ever had in, at or near the Sites, including any current interests.*

On August 8, 1988, Respondent acquired an ownership interest via warranty deed in the Wild Dutchman, First Northerly Extension of the Wild Dutchman, and New Idea claims (the "Site") from the Dutchman Coalition Mines Company.

On that same date, August 8, 1988, Respondent, as Trustor, conveyed through a trust deed this same interest in those claims to Robert G. Pruitt, Jr. as Trustee for Respondent, with Dutchman Coalition Mines Company as the Beneficiary, for the purpose of securing payment of indebtedness evidenced by a promissory note. Pursuant to the terms of the deed, Respondent was obligated to pay all taxes and assessment on the claims.

On November 29, 2000, Respondent quitclaimed the surface rights in those claims to Homestake, LLC, and the mineral rights in those claims to Hot Stuff, LLC.

4. *Describe the Respondent's business interest in, prior connection to, or association with mines or properties associated with "the Sites," including all name changes under which business was conducted. Describe the form of each entity listed (e.g., for-profit corporation, limited or general partnership, joint venture, sole proprietorship, etc.), identify the state in which each entity was or is organized, the date of organization or*

*initiation of business, the date of discontinuation or dissolution, the purpose(s) for each entity and the reason(s) for its discontinuation or dissolution.*

Respondent had a business interest in acquiring the Site in connection with its operation of a ski and summer resort in the nearby vicinity. Respondent has never had an interest in any operational aspect of the mines.

Respondent is a Utah Limited Partnership that was organized on April 1, 1970. Respondent's purpose is to "purchase, acquire, construct, own, operate and lease facilities for a summer and winter recreational area in Salt Lake City, Utah, and vicinity." Respondent continues in operation to this date.

*In addition, for all listed entities:*

- a. *If the entity was or is a partnership, please identify all limited and/or general partners.*

Limited Partner: Richard D. Bass Trust Estate (subsequent partnership amendments (available to the public at the Salt Lake County Clerk's office) added additional limited partners).

General Partners: Richard D. Bass; Visvivas, Inc. (subsequent partnership amendment (available to the public at the Salt Lake County Clerk's office) added Snowbird Corporation as an additional general partner).

- b. *If the entity was or is a corporation, please identify all corporate officers and members of the Board of Directors.*

Not applicable.

- c. *If the entity was or is a sole proprietorship, please identify all owners and supervisory employees.*

Not applicable.

- d. *If the entity was or is a joint venture, please identify all partners.*

Not applicable.

5. *Provide a copy of any articles of incorporation, related to the Sites, of the Respondent.*

Not applicable.

6. *To the extent not provided in response to Question 4, describe the Respondent's relationship to the following entities and/or individuals:*

a. *Dutchman Coalition Mines Company - Previous Owner and Trust Beneficiary*

On August 8, 1988, Respondent acquired an ownership interest via warranty deed in the Site from the Dutchman Coalition Mines Company. On that same date, August 8, 1988, Respondent, as Trustor, conveyed through a trust deed this same interest in those claims to Robert G. Pruitt, Jr. as Trustee for Respondent, with Dutchman Coalition Mines Company as the Beneficiary, for the purpose of securing payment of indebtedness evidenced by a promissory note.

b. *Sharon Steel Corporation*

Respondent is unaware of any relationship. Respondent believes that on August 8, 1988, Sharon Steel Corporation was declared the successor in interest to an easement for the abandoned Whirlwind Tunnel.

c. *United States Smelting, Refining, and Mining Company*

Respondent is unaware of any relationship.

d. *Alta United Mines Company*

Respondent has purchased from the Alta United Mines Company certain interests in various patented mineral claims in the upper Mineral Basin area of American Fork Canyon, Utah County, Utah.

e. *James M. Blackmore (Representative for Alta United Mines Company)*

On information and belief, James M. Blackmore is the President of the Alta United Mines Company.

f. *Robert G. Pruitt, Jr. - Trustee*

Robert G. Pruitt, Jr. has acted as an attorney for the Respondent and also as a Trustee for Respondent in the August 8, 1988 trust deed made between Respondent and Dutchman Coalition Mines Company with respect to the Wild Dutchman, First Northerly Extension of the Wild Dutchman, and New Idea claims.

7. *To the extent not provided in response to Question 6, identify all partnerships involved in the Sites in which Respondent is or was a partner. For all such partnerships: (1) provide copies of any Partnership Agreements and/or Certificates filed with the Secretary of State, the applicable county, or that are in your possession; (2) identify all partners comprising the partnership and the nature of their partnership interest; and (3) describe the current status of the partnership.*

Respondent was not a partner in any partnership involved in the Site.

8. *To the extent not provided in response to any prior question, describe all contractual relationships, formal or informal business relationships, including partnerships and joint ventures, or other arrangements that the Respondent may have or may have had concerning any activities at the Sites.*

On December 3, 1981, Dan Proctor entered into Mining Lease agreement as lessee, with Dutchman Coalition Mining Company as lessor. In connection with Dutchman Coalition Mining Company's sale of the Site, Dan Proctor entered into a release of the Mining Lease agreement, acknowledging and confirming his obligations for reclamation and for disposal of waste materials at the Site.

Respondent has no, and has had no, contractual or business relationships, or other arrangements, concerning any activities at the Site. Other than the association with Dan Proctor described in the above paragraph, and the association described in response to paragraphs 3 and 4, Respondent has no, and has had no, association with the Site.

9. *Please provide copies of all agreements relating to the Respondent's liability, indemnity or contribution for environmental conditions at or in connection with the Sites.*

See attached.

10. *To the extent not addressed in response to question 9, provide a list of the Respondent's property and casualty insurance policies that may apply to the Sites for the period of your association with the Sites. Specify the insurer, policy, effective dates, and state the per occurrence policy limits for each policy. Copies of the policies may be provided in lieu of a narrative response.*

Respondent is unaware of any such policies that may apply to the Site.

11. *Identify all persons, including all corporate predecessors, successors and individuals, who may be responsible for any liabilities arising from or relating to environmental conditions, including the release or threatened release of hazardous materials at the Sites. Provide any known, past or present, addresses of said persons.<sup>1</sup>*

- ▶ United States Department of Agriculture, Forest Service (in 1968, Dutchman Coalition Mines Company relinquished its right, title, and interest in the Dutchman Flat and Security mining claims to the Forest Service)

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<sup>1</sup> The list provided does not include any individuals who owned or operated the Site prior to 1900.

- ▶ Dutchman Coalition Mines Company; former president, John Hornok of Kearns, Utah (1202 E. Parkstone Dr., Draper, Utah 84020; phone: 801-572-2682) (in 1940, was deeded the claims by Harry W. and Marie M. Holden; conveyed the Dutchman Flat and Security claims to the U.S. Forest Service in 1968; in 1988, conveyed the remaining claims, Wild Dutchman, First Northerly Extension of the Wild Dutchman, and New Idea to Snowbird, Ltd.)
- ▶ Harry W. Holden & Marie M. Holden (in 1920, were deeded the claims by Dutchman Mining Co.; in 1940, conveyed the mining claims to Dutchman Coalition Mines Co.)
- ▶ Dutchman Mining Co. (in 1908, was deeded the mining claims by Caravel Gold & Silver Mining Co.; in 1920, conveyed the mining claims to Harry W. and Marie M. Holden)
- ▶ Caravel Gold & Silver Mining Co. (in 1908, quitclaimed the mining claims to Dutchman Mining Co.; the conveyance provided that Dutchman Mining Co. would assume all outstanding liabilities of Caravel Gold & Silver Mining Co.; Clinton B. Klock acted as Trustee in these dealings)
- ▶ American Fork Consolidated Gold & Silver (in 1893, conveyed Wild Dutchman claim to Sylvester Osborn)
- ▶ Omaha Smelting & Refining Company (filed patent for Wild Dutchman claim; in 1890, quitclaimed Wild Dutchman claim to Sylvester Osborn)
- ▶ Sharon Steel Company (in 1988, declared successor in interest to United States Smelting, Refining and Mining Co. easement for abandoned Whirlwind Tunnel)
- ▶ Dan Proctor (in 1981, he entered into a lease (as lessee) with Dutchman Coalition Mining Company; in 1986, he entered into a release of the mining lease agreement, and acknowledged and confirmed his obligations for reclamation and for disposal of waste materials at the Site; address is 951 East 830 South, Pleasant Grove, Utah 84062; phone 801-785-1115)
- ▶ M. Alma Bourne (from approximately 1938 through 1953 he leased the Site from Dutchman Coalition Mining Company; for the years 1947, 1948, 1949, 1950, 1951, 1952, 1953 he filed Affidavits of Labor, reciting that he performed work and operations on the claims)
- ▶ Jay Jacobsen (in 1951, he reportedly shipped 113 tons of lead-silver ore from Dutchman waste dump)

- ▶ Cleghorn Associates and/or Dutchman Mine Leasers (in 1948, they entered into an agreement with United States Smelting, Refining and Mining Co. to do exploration work)
- ▶ Willard Cleghorn (in 1946, he reportedly leased and managed mine)
- ▶ Golden West Consolidated Mining and Leasing Co. (in 1941, the U.S. Smelting, Refining and Mining Co. reassigned its lease to Golden West)
- ▶ United States Smelting, Refining and Mining Co. (in 1941, it entered into lease (Golden West Consolidated Mining and Leasing Co. assigned its lease))
- ▶ Carl Ferlin and/or American Fork Exploration Co. (in 1917, they entered into lease as lessee)
- ▶ J. Greenwood (in 1915 and 1916, he filed Affidavits of Labor, reciting that he performed work and operations on the claims; was identified as a leaseholder; also had agreement for use of tunnel on Wild Dutchman)
- ▶ Dutchman Mine Leasing Co. (in 1908, entered into 2 year lease (as lessee) with Dutchman Mining Co.)
- ▶ John Pierce (in 1908, he filed Affidavit of Labor, reciting that he performed work and operations on the claims)
- ▶ J. W. Holden (in 1906, 1907, 1912 and 1913, he filed Affidavit of Labor, reciting that he performed work and operations on the claims; he entered into a lease (as lessee) with Ned Wilds, Heber Wilds, J. Chipman, and J. Greenwood)
- ▶ W. A. Madison (in 1901, he filed Affidavit of Labor, reciting that he performed work and operations on the claims)
- ▶ Jed Mercer, E.J. Wilds, Heber Wilds (in 1900, they entered into a lease agreement for use of tunnel)
- ▶ Fissure Exploration Co. (erected 100 ton concentration plant at the portal of one of the claims; reported in *Geology and Ore Deposits of the Cottonwood-American Fork Area, Utah*, F. C. Calkins and B. S. Butler (1943))

12. *Provide copies of all corporate federal and state income tax statements, financial statements, reports or projections prepared by, for, or on behalf, of the Respondent for the past 3 years, whether audited or not, including, but not limited to, all returns filed with the Securities and Exchange Commission, state agencies, and all financial institutions such as banks.*

Respondent objects to this request based on the sensitive and highly confidential nature of this proprietary business information and Respondent's belief that this information is not yet relevant to the issues at hand. However, Respondent acknowledges that such information may become relevant in a subsequent allocation determination following any liability determination, at which time Respondent would be willing to make this information available with appropriate confidentiality protections. Please contact the undersigned to discuss this response if the Forest Service considers the objection to be unfounded or the arrangement to be unacceptable.

Site Operations/Waste Management Issues

13. *Please provide copies of all permits, licenses, registrations, or other authorizations held by the Respondent for operations at the Site issued pursuant to any environmental statute, regulation or ordinance ("Permits"); as well as all pending Permit applications and draft or proposed Permits or Permit Modifications.*

Respondent is unaware of any responsive documents.

14. *Describe your operations (including past and present) at the Site, including but not necessarily limited to a description of the following activities:*

- a. *Construction and/or maintenance of tailings piles;*
- b. *Drilling,*
- c. *Mining;*
- d. *Excavation methods;*
- e. *Milling;*
- f. *Processing operations;*
- g. *Disposal of waste, overburden, drilling fallout, etc.;*
- h. *Heap leaching.*

The Respondent has not conducted in the past, and is not conducting in the present, any operations at the Site. See response to paragraph 22.

15. *Identify all persons and their most current known address, including the Respondent, who may have excavated or unearthed materials at the Sites. In addition:*

See response to 11.

- a. *State the dates on which such persons may have excavated or unearthed materials.*
- b. *Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid, etc.) and quantity (volume and weight) of all materials excavated or unearthed at the Site.*



- c. *Identify the persons and employees who may have handled such materials.*
  - d. *Describe the nature of the operations involved in the excavating, unearthing or handling of such materials.*
  - e. *Provide all documents or other information of which the Respondent is aware relating to the ultimate disposition of such materials.*
16. *State whether you have or may have caused or contributed in any way to the release or threatened release of any hazardous materials at the Sites. Describe any release or threat of release and how you may have caused or contributed to it.*

Respondent does not have any information relating to a release or threatened release of any hazardous materials at the Site. Furthermore, Respondent is unaware of having caused or contributed in any way to the release or threatened release of any hazardous materials at the Site.

17. *Identify any person who caused or may have caused a release or threatened release of hazardous materials at the Sites. Describe the cause of the release or threatened release.*

See response to paragraph 11.

18. *Provide copies of all documents relating to any release or suspected release of hazardous materials at or from the Sites.*

Respondent is unaware of any responsive documents.

19. *Identify all persons, including but not limited to the Respondent's employees or agents, or those persons with whom you have a contractual relationship, who have or may have knowledge, information, or documents regarding the questions contained herein or about the generation, use, purchase, treatment, storage, disposal, or other handling of hazardous materials at, or the transportation of hazardous material to or from, the Sites.*

Jim Baker; Snowbird Ski & Summer Resort; Snowbird Center, 2<sup>nd</sup> Floor, Snowbird, Utah, 84092-9000

Bob Black; Snowbird Ski & Summer Resort; Snowbird Center, 2<sup>nd</sup> Floor, Snowbird, Utah, 84092-9000

Tom Jones; Snowbird Ski & Summer Resort; Snowbird Center, 2<sup>nd</sup> Floor, Snowbird, Utah, 84092-9000

Marty Banks; Stoel Rives LLP, 201 South Main, #1100, SLC, Utah, 84111-4904

Karen Whitt; Stoel Rives LLP, 201 South Main, #1100, SLC, Utah, 84111-4904

Robert G. Pruitt, III, Pruitt, Gushee & Bachtell, 1850 Beneficial Life Tower, 36 South State Street, SLC, Utah, 84111

Neal Artz; Cirrus Ecological Solutions, L.C., 570 E. Research Park Way, Suite 108, North Logan, Utah 84341

See response to paragraph 11.

Technical Information

20. *Please provide copies of any audits, records, assessments, inspections, or other documents relating to the location, construction, and installation of any structure, feature, adit, pile, etc. at the Sites.*

See attached.

21. *Please provide copies of all technical or analytical information, including the results of laboratory and field tests, relating to environmental conditions or to the presence, absence, nature, movement or environmental effects of hazardous materials at the Sites. This request includes the results of all analyses of all water, soil and air samples. It is not necessary to provide any such information in your possession developed by, or for, the Forest Service.*

On information and belief, the U.S. Geologic Survey is conducting a surface water study relating to potential hazardous materials in the American Fork River. Respondent does not have a copy of any such report, and is unaware if the study has yet been completed.

22. *Describe any closure or reclamation activities previously undertaken by the Respondent or other entities at the Sites, and provide any documents or technical information pertaining to such activities.*

Respondent provided access to the Utah Division of Oil, Gas & Mining in connection with the Division's efforts to mitigate physical hazards pursuant to the Utah Abandoned Mine Reclamation Program. Respondent also provided access to the U.S. Forest Service in connection with the Forest Service's effort to construct fences and/or other barriers to keep off-road vehicles away from the piles in the vicinity of the Site.

Other

23. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein, or who may be able to provide additional responsive documents, identify such persons, their address and phone number, and the additional information or documents that they may have.*

See response to paragraph 11.

NOTARIZED CERTIFICATE

I, Martin K. Banks, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by Snowbird, Ltd. to respond to the USDA-Forest Service's request for information concerning mines or properties with waste piles, tailings, or mine drainage associated with mining claims: Dutchman Flat-MS 5890, Wild Dutchman-Lot 68, First Northerly Extension of Wild Dutchman-MS 5866, New Idea-MS 5866, and Security-MS 5866.

2. I have made a reasonably complete and thorough review of all documents, information, and sources in my possession, custody and control relevant to this request.

3. I hereby certify that the attached response to the USDA-Forest Service's request is reasonably complete and to the best of my knowledge contains all information and documents responsive to the request.

Martin K. Banks

(Signature)

Martin K. Banks

(Print Name)

Attorney

(Title)

Subscribed and sworn to me this 31<sup>st</sup> day of JANUARY, 2001.

Janis Seans

Notary Public

My commission expires: 12-12-01

My address is:

